

Sector 18/15

Dkt. 50875-F-PCT-US/JPW/SHS

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Graham P. Allaway, et al.  
Serial No.: 09/460,216  
Filed : December 13, 1999 Art Unit: 1633  
For : METHOD FOR PREVENTING HIV-1 INFECTION OF CD4+ CELLS

1185 Avenue of the Americas  
New York, New York 10036  
August 22, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO  
FEBRUARY 25, 2000 NOTICE TO FILE MISSING  
PARTS OF APPLICATION UNDER 37 C.F.R. §1.53(d)  
AND PETITION FOR A FOUR-MONTH EXTENSION OF TIME**

This Communication is filed in response to a Notice to File Missing Parts of Application issued by the United States Patent and Trademark Office on February 25, 2000 in connection with the above-identified application. A copy of the Notice is attached hereto as Exhibit A. The Notice provides a period of two months for filing a response. Accordingly, a response was originally due on April 25, 2000. Applicants hereby petition for a four month extension of time. The required fee for a four month extension of time is \$1360.00 and a check which includes this amount is enclosed. Accordingly a response is now due August 25, 2000. Therefore this Communication is being timely filed.

The Notice indicates that the oath and declaration is unsigned. In response, applicants attach hereto as Exhibit B a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance

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Applicants: Graham P. Allaway, et al.  
U.S. Serial No.: 09/460,216  
Filing Date: December 13, 1999  
Page 2

with 37 C.F.R. §163. The Declaration refers to the application's above-identified serial number and filing date.

The Notice indicates that the surcharge under 37 C.F.R. §1.16(e) for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) is ONE HUNDRED THIRTY DOLLARS (\$130.00) for a non-small entity and a check which includes this amount is enclosed.

In addition, the Notice states that the statutory basic filing fee is insufficient and that applicant must submit \$380.00 to complete the basic filing fee and/or file a small entity statement. In response, applicants enclose a check which includes the \$380.00 fee to complete the basic filing fee.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

Applicants: Graham P. Allaway, et al.  
U.S. Serial No.: 09/460,216  
Filing Date: December 13, 1999  
Page 3

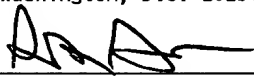
No fee, other than the enclosed \$1870.00 which includes the \$130.00 surcharge fee, the \$1360.00 fee for a four month extension of time and \$380.00 to complete the basic filing fee, is deemed necessary in connection with the filing of this Communication. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Spencer H. Schneider  
Registration No. 45,923  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



8-22-00

John P. White  
Reg. No. 28,678  
Spencer H. Schneider  
Reg. No. 45,923

Date



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JPW  
H5

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/460,216	12/13/99	ALLAWAY	G 50875-F-PCT

0242/0225

- COOPER & DUNHAM LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036

1633

DATE MAILED:

02/25/00

04/25/2000

08/25/2000

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 380.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☒ insufficient.

Applicant must submit \$ 380.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.  
\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

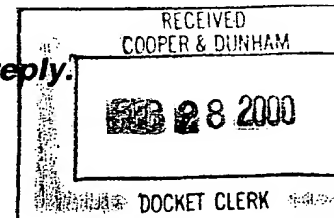
**A copy of this notice MUST be returned with the reply.**

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Custom Service Center

Initial Patent Examination Division (703) 308-1202

130.00 OP  
760.00 OP



Adjustment date: 08/29/2000 SSESHE1  
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